

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

IN CLERK'S  
U.S. DISTRICT COURT

★

JUL 21 2005

PER

THAT A.M.

\_\_\_\_\_  
BRIAN SALER,

Plaintiff,

-against-

ROSALYN EBRAHIMOFF, individually and  
in her official capacity as Referee of the  
Family Court of the State of New York,

Defendant.  
\_\_\_\_\_

**MEMORANDUM  
AND ORDER**  
05-CV-3359 (ARR)

ROSS, United States District Judge:

The court hereby sua sponte vacates its order of July 18, 2005 insofar as it dismissed plaintiff's complaint for lack of subject matter jurisdiction. That part of the order declining to grant plaintiff's request for injunctive relief barring the use of the results of his July 14, 2005 drug test in pending family court proceedings remains in effect.

It appears from the docket sheet that defendant has been served and ordered to answer the complaint by August 8, 2005. Assuming, without deciding, that service was properly effected, this deadline is adjourned pending further order of this court. A written opinion will follow.

SO ORDERED.

\_\_\_\_\_  
ALLYNE R. ROSS

United States District Judge

Dated: Brooklyn, New York  
July 20, 2005

**Service List**

*Pro Se Plaintiff:*

Brian Saler  
1230 Pennsylvania Avenue  
Apt. 14g  
Brooklyn, NY 11239

*Defendant:*

Rosalyn Ebrahimoff  
New York City Family Court, Queens County  
151-20 Jamaica Ave.  
Jamaica, NY 11432